

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 43 - PRIVATE POSTSECONDARY CAREER SCHOOLS
COMPLAINT AND INVESTIGATION PROCEDURES

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CHAPTER 43 - PRIVATE POSTSECONDARY CAREER SCHOOLS

001 General Information

001.01 Statutory Authority. This chapter is adopted pursuant to sections 79-2801 thru 79-2858 of the Revised Statutes of Nebraska (R.R.S.). Such sections may be cited as the Private Postsecondary Career School Act.

001.02 Scope of this Chapter. This chapter provides the procedures for investigations and hearings involving complaints against private postsecondary career schools which were issued an authorization to operate pursuant to Chapter 41 of Title 92 of the Nebraska Administrative Code (92 NAC 41), and complaints against agents of the private postsecondary career schools who were issued agents' permits pursuant to Chapter 42 of Title 92 of the Nebraska Administrative Code (92 NAC 42).

001.03 Related Chapters. Chapter 41 of Title 92 of the Nebraska Administrative Code (92 NAC 41) provides the procedures for obtaining an authorization to operate for private postsecondary career schools. Chapter 42 of Title 92 of the Nebraska Administrative Code (92 NAC 42) provides the procedures for issuing permits to agents for private postsecondary career schools. The procedures for hearings arising under these two chapters are contained in this chapter. Copies of these related regulations are available from the Nebraska Department of Education.

002 Definitions. As used in this chapter:

002.01 ACT shall mean Private Postsecondary Career School Act.

002.02 Authorization to Operate shall mean approval by the department to operate a private postsecondary career school in this state.

002.03 Board shall mean the State Board of Education.

002.04 Branch Facility shall mean a facility which:

002.04A is separate from a principal facility;

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002.04B Offers a full program and full student services;

002.04C is under the supervision of an onsite director or administrator,

002.04D the ownership, management, and control of which are the same as the principal facility, and

002.04D1 which principal facility is responsible for the delivery of all services, or

002.04D2 at which education is offered by a franchisee of a franchisor authorized to operate as a private postsecondary career school pursuant to the act if the franchisor establishes the course curriculum and guidelines for teaching at the franchisee's facility.

002.05 Commissioner shall mean the Commissioner of Education.

002.06 Complainant shall mean any individual(s) or organization(s) filing a complaint with the commissioner.

002.07 Course of Study or Instruction shall mean a program of study, training, or instruction consisting of a series of lessons or classes which are coordinated as a curriculum or program of instruction to prepare or qualify individuals or improve or upgrade the skills needed for employment, career opportunities, or any specific occupation.

002.08 Department shall mean the State Department of Education.

002.09 Education or Educational Services shall mean any class, course, or program of occupational training, instruction, or study.

002.10 Entity shall mean any individual, company, firm, society, group, association, partnership, corporation, trust, or other person.

002.11 Grant with respect to educational credentials, shall mean award, sell, confer, bestow, or give.

002.12 Home Study School shall mean a school which provides correspondence lesson materials prepared in a sequential and logical order for study and completion by a student on his or

her own, with completed lessons returned by the student to the school for evaluation and subsequent return to the student,

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including those schools which offer instruction by home study in combination with in-residence training.

002.13 Offer shall include, in addition to its usual meaning, advertising, publicizing, soliciting, or encouraging any person, directly or indirectly, in any form, to perform a described act.

002.14 Out-of-State School shall mean any school which has its place of instruction or its principal location outside the boundaries of this state and which offers or conducts courses of instruction or subjects on the premises of the school, or offers or provides Nebraska students with courses of instruction or subjects through activities engaged in or conducted outside the boundaries of Nebraska.

002.15 Principal Facility or Main School shall mean a private postsecondary career school located and authorized to operate in the State of Nebraska.

002.16 Private Postsecondary Career School shall mean any organization or business enterprise which is not specifically exempt under the ACT, which offers courses or subjects for which tuition is charged, and at the place of business of which a course of instruction is available through classroom instruction, home study, or both to a person for the purpose of training, preparing, or improving the person for an occupation even though the organization's or business enterprise's principal efforts may not be exclusively educational in nature.

002.17 Resident School shall mean any school offering courses of instruction to its students on the school's premises.

002.18 Respondent shall mean any individual(s), schools or agent(s), who shall be charged in a complaint or petition with allegedly violating standards as contained in 92 NAC 41 and 92 NAC 42.

002.19 Separate Classroom shall mean a supplemental training space

002.19A which is located near the main school for the purpose of expanding the educational offerings or for training an overflow of students who cannot be accommodated at the main school;

002.19B which is close enough to the main school to assure immediate supervision and administration of all

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essential student services by the main school and ready access by students to the student services available, and

002.19C in which the only required onsite services is teaching.

002.20 Admonishment. A private sanction to an agent or private postsecondary career school that further unprofessional or unethical conduct may result in more serious action, including the suspension or revocation of a permit or authorization to operate. This sanction may be imposed by the commissioner or board.

002.21 Reprimand. A public sanction criticizing or rebuking an agent or a private postsecondary career school for unprofessional or unethical conduct. This sanction may be imposed by the commissioner or board.

002.22 Revocation. A public sanction withdrawing or canceling an authorization to operate or a permit for a certain period of time. This sanction may be imposed by the board.

002.23 Suspension. A public sanction withdrawing or canceling an authorization to operate or a permit for a certain period of time. The authorization to operate or permit is automatically reinstated at the expiration of the suspension period if it has not expired during the period of suspension. This sanction may be imposed by the board.

003 Complaints and Investigations for Holders of Authorization to Operate and Agents Permits

003.01 Complaint Procedures. Any person having an interest in, or information about any act or practice by a private postsecondary career school or an agent, which is a violation of 92 NAC 41, 92 NAC 42, or the ACT, may file a verified written complaint with the commissioner. The complainant shall use the form prescribed by the board, a sample of which is included as Appendix A.

003.02 Contents of Complaint. The complaint shall contain the following information:

003.02A The full name, address, and telephone number of the complainant;

003.02B The full name, address, and telephone number of the respondent;

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003.02C A concise statement of the facts which the complainant believes constitutes a violation of 92 NAC 41, 92 NAC 42, or the ACT; and

003.02D The full name, address, and telephone numbers of any witnesses able to testify as to the facts alleged.

003.03 Distribution of Complaint. Within fifteen (15) days of the filing of a complaint, the commissioner shall serve a copy of the complaint on the respondent by United States mail to the last known address of the respondent.

003.04 Response to Complaint. The respondent may, within fifteen (15) days after receipt of the complaint, request in writing the opportunity to informally present a position or defense respecting the allegations in the complaint. This position or defense may be submitted in writing, but a personal conference with an investigator assigned by the commissioner may be had as a matter of right if the written request is made within fifteen (15) days of the receipt of the complaint.

003.05 Evaluation and Investigation. Upon receipt of a complaint, the commissioner or his or her designee shall evaluate the complaint to determine if the facts alleged are sufficient to constitute a violation of 92 NAC 41, 92 NAC 42, or the ACT. At his or her discretion, the commissioner may assign an investigator to evaluate the complaint and may cause an investigation to be made into the circumstances surrounding the complaint.

003.05A It shall be the obligation and responsibility of the investigator to prepare a report for the consideration of the commissioner, which report shall contain a position or defense of the respondent, if any; discuss jurisdiction; and set forth any legal arguments and authorities that appear applicable to the case. The report shall include a recommendation as to whether there exists legally sufficient grounds for further proceedings and a recommendation of one of the following: dismissal, further inquiry, admonishment or reprimand, or the filing of a petition.

003.05B Exceptions to Report. The respondent shall be mailed a copy of the investigator's report and shall be given twelve (12) days from the date of the mailing of the report to file exceptions with the investigator. At the expiration of said time limit, the investigator shall file with the commissioner a report in accordance

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with the provisions of section 003.05A of this chapter along with the respondent's exceptions, if any.

003.06 Action by the Commissioner. Following the evaluation and investigation, if any, of the complaint, the commissioner shall take one of the following actions:

003.06A Dismiss the Complaint. Such dismissal may be accompanied by an admonishment or reprimand to the private postsecondary career school or its agent, or both, or other action the commissioner deems appropriate, without a hearing, if the commissioner determines that;

003.06A1 The alleged violation is not serious enough to warrant suspension or revocation;

003.06A2 No public interest would be served by a formal hearing; and

003.06A3 The respondent gives written acceptance of or agreement to admonishment, reprimand, or other action.

003.06B File a petition pursuant to section 004.

003.07 Informal Disposition. The commissioner may enter into a stipulation, settlement agreement, or other agreement to resolve any complaint or petition. All agreements to revoke or suspend an authorization to operate or an agent's permit, or both, shall be approved by the board.

003.08 Voluntary Surrender of Authorization to Operate or Agent's Permit. A private postsecondary career school may voluntarily surrender its authorization to operate or an agent may voluntarily surrender his or her agent's permit. Any such voluntary surrender shall be treated as an indefinite revocation for purposes of publicity and reinstatement. The voluntary surrender of an authorization to operate or agent's permit at any time after a report or complaint has been made shall not prohibit the filing of such complaint or a petition unless:

003.08A The holder of the authorization to operate or agent's permit knowingly admits in writing the truth of such complaint or petition and waives all proceedings against him or her in connection therewith, and

003.08B Agrees to stipulated reprimand or other action

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deemed appropriate.

003.09 Dismissal. Any dismissal of a complaint in accordance with 003.06A shall be deemed to be a final resolution of the matter and is not subject to appeal to the board.

003.10 Notification. The commissioner shall notify the respondent of the commissioner's decision.

004 Petitions

004.01 Petitions by Commissioner. A petition may be filed by the commissioner if he or she determines, as a result of a complaint, investigation, or as a result of information that he or she receives independent of a complaint or investigation, that:

004.01A The board has jurisdiction over the parties and subject matter; and

004.01B The alleged violation is serious enough to warrant suspension or revocation of respondent's authorization to operate or permit; or

004.01C The public interest would be served by a formal hearing; or

004.01D Respondent does not accept an admonishment or reprimand.

004.02 Petitions Against Holders of Permits or Authorizations to Operate. The commissioner may file a petition against a private postsecondary career school or an agent with the board. The form of such petition shall be in writing and shall contain the following information:

004.02A The venue shown as: "BEFORE THE STATE BOARD OF EDUCATION";

004.02B A heading captioned "(Name), COMMISSIONER OF EDUCATION, Petitioner";

004.02C The full name, address, telephone number, and social security number, if known, of the respondent;

004.02D The type of permit or authorization to operate held by respondent;

004.02E A concise statement of facts which the commis-

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sioner believes constitute a violation of state standards;

004.02F The provision(s) of statute or rule which are alleged to have been violated.

004.03 Notice to File Answer. Upon the filing of a petition, the commissioner shall send the respondent by certified mail, return receipt requested, a copy of the petition and a notice that the respondent has the right to submit an answer within twenty-one (21) days after the receipt of the notice. Mailing by certified mail of any notice required under this chapter shall be to respondent's last known address. In the event the respondent fails to respond to the petition by delivering or posting by certified mail an answer within twenty-one (21) days, respondent's failure shall be considered as a waiver of his or her right to a hearing and shall be cause for holding a respondent in default, and a default order may therefore be rendered and a recommendation made to the State Board of Education for determination upon the record without any further notice to respondent.

004.04 Answer. The respondent may file an answer to the petition. A sample answer is included in Appendix B to this chapter. It shall show the venue as "Before the State Board of Education, State of Nebraska" and shall be captioned "Answer." The answer shall contain the following information:

004.04A The name and address of the respondent.

004.04B Specific statements regarding any and all allegations in the petition, which shall be in the form of admissions, denials, explanatory remarks, or statements of mitigating circumstances; and any additional facts or information the respondent deems relevant and which may be of assistance in the ultimate determination of the case.

004.05 Format for Filings. All answers, motions, or other pleadings filed in cases arising under this chapter shall be typewritten on 8_ x 11 inch white three-hole punched paper and shall be accompanied by an original plus two copies. All documents shall contain the title of the proceeding, the case number, the name, address, telephone number, and signature of the person filing the document, and the name of the party on whose behalf the document is filed.

004.06 Filing Location and Service. All filings with the board or the commissioner shall be made with the Office of the

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Commissioner of Education; Nebraska State Department of Education; 301 Centennial Mall South, 6th Floor; P. O. Box 94933; Lincoln, Nebraska 68509. Whenever any party files a document, they shall simultaneously serve copies on the other party(ies). Any documents filed shall contain a certificate attesting to its service by mail, personal delivery, or otherwise. Service by mail shall be deemed completed upon mailing, except as otherwise provided in this chapter.

004.07 Filing Deadlines. When the filing of a pleading or any act required to be done on or before a given date falls on a Saturday, Sunday, or legal holiday on which the office of the commissioner is closed, the pleading or act need not be filed or done until the next succeeding working day that the office of the commissioner is open for the transaction of business. All time limits referred to in this chapter shall mean calendar days.

004.08 Revocation. An authorization to operate or an agent's permit may be revoked or made conditional after its issuance if the board has reasonable cause to believe that the holder thereof has violated or is violating the ACT or the regulations adopted in 92 NAC 41 or 92 NAC 42.

004.08A Notification. Prior to recommending such revocation or imposition of condition to the board, the commissioner shall notify the holder of the authorization or permit in writing of the impending action, setting forth the grounds for the action contemplated to be taken and advising the holder that if a hearing is requested in writing within ten (10) business days of receipt of the notice, the board shall set a time and place for a hearing at which the holder may be heard in response to the allegation of noncompliance.

005 Hearings. If upon written notification of any such proposed action of the commissioner, the aggrieved party desires a hearing and review, such party shall notify the board in writing within ten (10) business days after the giving of notice of such action. If such notification is not given by the aggrieved party, the action shall be deemed final. Upon receipt of such notice from the aggrieved party, the board shall fix the time and place for a hearing and shall notify the aggrieved party by certified mail.

005.01 Procedure of Hearing. At such hearing, the party may employ counsel, shall have the right to hear the evidence upon which the action is based, and may present evidence in opposition to the commissioner's action or in extenuation or mitiga-

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tion. The hearing shall be conducted in accordance with 92 NAC 61. Any member of the board may preside except when a clear conflict of interest may be demonstrated. The board may utilize hearing officers to conduct the hearings and to present recommendations, including findings of fact and conclusions of law to the board for final decision.

005.02 Setting of Hearings. The hearing officer shall set the time and place for any hearing, which shall be at least seven (7) days after the deadline for the filing of answers, unless agreement to set an earlier time is stipulated by petitioner and respondent.

005.03 Consolidation. The hearing officer may order two or more petitions that are legally or factually related to be heard together on a consolidated record, unless any party makes a showing, sufficient to satisfy the hearing officer, that it would be prejudiced thereby.

005.04 Prehearing Conference. If the respondent in his or her answer requests a prehearing conference, the hearing officer shall hold a prehearing conference with the parties. The prehearing conference may be held in person or by telephone. A telephonic prehearing conference may be used at the discretion of the hearing officer. The conference shall be for the purpose of, but not limited to, the following: simplifying the issues, amending the petition or answer, stipulating to the facts, stipulating to a proposed settlement, submission of witness and exhibit lists, identification of exhibits, application for subpoenas, and requests for discovery orders. The hearing officer may hold a prehearing conference upon request of the petitioner or upon his or her own motion if in his or her discretion he or she determines that a prehearing conference is needed.

005.05 Location. The hearing shall be held in Lincoln, Lancaster County, Nebraska, unless, upon joint application and showing by the parties that another location would be more convenient to the parties and witnesses, or upon such independent determination by the hearing officer, the hearing officer may set the hearing outside Lincoln.

005.06 Closed Hearing. Upon specific request of the respondent or petitioner to hold a closed hearing, the hearing officer may hold a closed hearing to prevent the needless injury to any individual.

005.07 Conduct of Hearings. At the time of hearing:

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005.07A The hearing officer designated by the board to preside at a hearing shall open and close the proceedings, and take appearances. The hearing officer shall rule on motions, objections, and matters of evidence.

005.07B Reasonable opportunity shall be afforded all parties to present evidence and argument. The hearing officer may set reasonable time limits on presentations and arguments.

005.07C Failure of the petitioner or his or her representative, to appear at the time and place set for hearing, unless otherwise allowed by the hearing officer for good cause shown, shall be deemed sufficient grounds for the hearing officer to recommend dismissal of the petition.

005.07D Informal procedures governing the conduct of hearings shall be subject to the discretion and the direction of the hearing officer at the time of such hearings, unless otherwise specified in this chapter.

005.08 Appearances. Any individual may appear on his or her own behalf before the hearing officer; however, an individual may appear on behalf of another in any proceeding before the hearing officer only if:

005.08A The individual is admitted to practice law before the Nebraska Supreme Court, or

005.08B The individual is admitted to practice law before the Supreme Court of any state and is accompanied by a person admitted to practice law before the Nebraska Supreme Court.

005.09 Briefs. Submission of briefs may be required by the hearing officer. If required, the time in which briefs shall be filed will be fixed by the hearing officer at the close of the hearing.

005.10 Record of Proceedings. The hearing officer will ensure that an electronic recording of the hearing shall be made or may have the hearing transcribed by a court reporting service. The cost of obtaining verbatim transcripts from a court reporting service shall be paid directly to such service by the parties requesting the transcripts.

006 Evidence

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006.01 General Provisions. As provided in Section 84-914 R.R.S., the hearing officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men and women in the conduct of their affairs. He or she shall give effect to the rules of privilege recognized by law. He or she may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. The hearing may be conducted pursuant to the rules of evidence applicable to the district courts if requested by the party as set forth in Section 84-914 R.R.S.

006.02 Subpoenas, Discovery, and Witnesses. As provided in Section 84-914 R.R.S., the hearing officer may administer oaths, issue subpoenas, compel the attendance of witnesses, and the production of any papers, books, accounts, documents, and testimony, and cause the depositions of witnesses residing either within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

006.02A Subpoenas. The use of subpoenas in proceedings before the hearing officer is governed by statutory procedures for issuance of subpoenas by district courts in Nebraska except as hereinafter provided.

006.02A1 A subpoena requiring the attendance of a witness may be issued by the hearing officer, upon written application of any party.

006.02A2 Subpoenas for the production of accounts, books, documents, or papers, will be issued by the hearing officer only upon written application by a party stating specifically which accounts, books, documents, or papers are required and the facts expected to be proved thereby. All parties directed to produce accounts, books, documents, or papers shall furnish and deliver the same at the time and place specified in the subpoena.

006.02A3 A subpoena issued pursuant to this rule may be served in any manner permitted by law, which shall include service by registered or certified mail, return receipt requested, sent not less than six (6) days prior to hearing.

006.02A4 In the case of disobedience to a subpoena, the hearing officer may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the produc

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tion of accounts, books, documents, or papers.

006.02A5 Charges for serving a subpoena by mail are to be paid prior to the issuance of the subpoena by the party at whose instance the subpoena is issued. Arrangements for personal service, if desired by a party, are to be made by the party requesting such service and they shall be responsible for paying any costs for such service prior to the hearing date.

006.02B Witness Fee. Any witness who is summoned and who responds thereto is entitled to the same fee as is paid for like service in the district courts of Nebraska. Applications made pursuant to this chapter for the attendance of a witness shall be accompanied by a certified check, payable to the order of the witness, and equal in amount to the witness's statutory traveling fee and a fee for one day's attendance at the hearing. Said certified check shall be tendered to the witness when the subpoena is served upon him or her. Additional fees due the witness, if any, shall be paid at the close of the hearing by the party at whose instance the witness is summoned. In addition, Section 25-1228 R.R.S. shall govern subpoenas issued at the request of any agency of state government.

006.03 Offer of Evidence. All evidence shall be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

006.04 Cross-Examination. Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence. The hearing officer may limit cross-examination by multiple parties having similar interests.

006.05 Official Notice. The hearing officer may take notice of judicially cognizable fact and in addition may take notice of general, technical, or scientific facts within his or her specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the materials so noticed. They shall be afforded an opportunity to contest the facts so noticed. The hearing officer may utilize his or her experience, technical competence, and specialized knowledge in the evaluation of the evidence presented.

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006.06 Copies of Evidence. All documentary evidence to be offered at a hearing shall be accompanied by sufficient copies for all parties, unless waived by the hearing officer.

006.07 Stipulations. Parties to any proceeding may agree upon any facts, either by written stipulation entered into the record as an exhibit, or by oral agreement stated on the record; provided, that the hearing officer shall not be irrevocably bound by such stipulation.

006.08 Filing and Serving Exhibits Prior to Hearing. In any proceeding where detailed or complicated exhibits are to be used, the hearing officer may require any party to file and serve copies of such exhibits or other necessary information within a specified time in advance of the hearing in order to enable the other party and the hearing officer to study same and prepare cross-examination with references thereto.

007Disposition of Cases

007.01 Recommendation to the Board. In the absence of an informal disposition, the hearing officer shall prepare an official record for submission to the board, which shall include the pleadings, testimony transcript, and exhibits from the hearing. The hearing officer shall also submit his or her recommendation as to the disposition of the case and a recommended set of findings of fact and conclusions of law and provide a copy of the recommendations to the parties.

007.02 If an agent's permit is revoked or conditions imposed thereon, the board shall notify the school which the agent was permitted to represent, as shown in the records of the department, in addition to the notice required to be given to the agent and any other parties to the hearing.

007.03 Finality of Board. A decision of the board following a hearing shall be deemed final subject to the right of judicial review provided in 92 NAC 61. All matters presented at any such hearing shall be acted upon promptly by the board, and the board shall notify all parties in writing of its decision, which shall include a statement of findings and conclusions upon all material issues of fact, law, or discretion presented at the hearing, and the appropriate rule, order, sanction, relief, or denial thereof.

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APPENDIX A: Sample Form for Complaint

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

_____)	
(Name))	CASE NO. <u>(LEAVE BLANK)</u>
_____)	
(Address))	
_____ ,)	
)	
Complainant,)	
)	
vs.)	COMPLAINT
)	
_____)	
(Name))	
_____)	
(Address))	
_____ ,)	
)	
Respondent.)	

In accordance with Title 92, Chapter 43, of the Nebraska
Administrative Code, the complainant states as follows:

1. The full name, address, and telephone number of the complainant;
2. The full name, address, and telephone number, if known, of the respondent;
3. A concise statement of the facts which the complainant believes constitute a violation of professional ethics and practices; and
4. The full names, addresses, and telephone numbers of any witnesses able to testify as to the facts alleged.

WHEREFORE, complainant requests that the Commissioner of Education investigate this complaint and take such action as is warranted, including the filing of a petition.

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APPENDIX A: Sample Form for Complaint, Page 2

Dated this _____ day of _____, 19____.

(Signature)
(If attorney for complainant,
list address)

VERIFICATION

State of Nebraska)
) ss
County of _____)

I, _____, being first duly sworn under
oath, state that I have read the contents of the complaint and that
to the best of my knowledge, information, and belief such contents
are true and there is reasonable cause for filing said document.

Subscribed and sworn before me this _____ day of
_____, 19____, by _____ (Name of Complainant).

(Seal)

Notary Public

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APPENDIX B: Sample Answer Form

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

_____)	
(Name of Commissioner))	
)	
COMMISSIONER OF EDUCATION,)	
_____)	
(Address))	CASE NO. _____
_____ ,)	
)	
Petitioner,)	
)	
vs.)	ANSWER
)	
_____)	
(Name))	
_____)	
(Address))	
_____ ,)	
)	
Respondent.)	

COMES NOW respondent, _____ (name) _____ and, for his/her answer to the
petition, admits, denies, and alleges as follows:

(Respondent shall include specific statements regarding any and all allegations in the complaint, which shall be in the form of admissions, denials, explanatory remarks, or statements of mitigating circumstances; and any additional facts or information the respondent deems relevant and which may be of assistance in the ultimate determination of the case.)

WHEREFORE, respondent prays that the State Board of Education dismiss the
petition in this matter _____ (and/or state any additional action sought) _____.

(Signature of respondent or
signature and address of his or her
attorney)

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APPENDIX B: Sample Answer Form, Page 2

VERIFICATION

State of Nebraska)
) ss
County of _____)

I, _____, being first duly sworn under oath, state that I have read the contents of the answer and that to the best of my knowledge, information, and belief such contents are true.

(Signature of respondent or
signature and address of his or her
attorney)

The foregoing instrument was subscribed and sworn to before me this ____ day
of _____, 19____, by _____ (Name of Respondent) _____.

(Seal)

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above answer, including a copy of any exhibits cited therein, were mailed to the following persons by regular first-class mail, postage prepaid, this ____ day of _____, 19____.

(Signature of Respondent)

(List names and addresses)

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